

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

**MAILED**

Paper 1

Filed by: Richard E. Schafer  
Administrative Patent Judge  
Box Interference  
Washington, D.C. 20231  
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FEB 28 2002

Filed:  
28 February 2002

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES  
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

JOHN W. PARCE, ANNE R. KOPF-SILL  
and LUC J. BOUSSE

Junior Party,  
(Patent 5,942,443),

v.

BERNHARD WEIGL, PAUL YAGER,  
JAMES BRODY and MARK HOLL

Senior Party  
(Application 09/644,192).

Patent Interference No. 104,815

**NOTICE DECLARING INTERFERENCE**  
(37 CFR § 1.611)

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

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**Part B. Judge designated to handle the interference**

Administrative Patent Judge Richard E. Schafer has been designated to handle the interference. 37 CFR § 1.610(a).

**Part C. Standing order**

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

**Part D. Conference call to set dates**

A telephone conference call to set dates for taking action in the interference is scheduled for 2:00 p.m. on April 24, 2002 (the call will be initiated from the PTO).

No later than two business days prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

**Part E. The parties involved in this interference are:**

**Junior Party**

**Named inventors:** JOHN W. PARCE, Palo Alto, CA  
ANNE R. KOPF-SILL, Portola Valley, CA  
LUC J. BOUSSE, Menlo Park, CA

**Patent:** 5,942,443, granted August 24, 1999, based  
on Application 08/671,987, filed June 28, 1996

**Title:** High throughput screening assay systems in  
microscale fluidic devices

**Assignee:** Caliper Technologies Corporation

**Accorded Benefit:** None

**Attorneys:** See last page

**Address:** See last page

Senior Party

Named Inventors: BERNHARD H. WEIGL, Seattle, WA  
PAUL YAGER, Seattle, WA  
JAMES P. BRODY, Pasadena, CA  
MARK R. HOLL, Seattle, WA  
MARGARET KENNY, Edmonds, WA  
DAVID SCHUTTE, Auburn, WA  
GREGORY HIXSON, Seattle, WA  
M. DIANE ZEBERT, Seattle, WA  
ANDREW KAMHOLZ, Seattle, WA  
CAICAI WU, Seattle, WA  
ERIC ALTENDORF, Seattle, WA

Application: 09/644,192, filed August 22, 2000

Title: Microfabricated diffusion-based devices

Assignee: None

Accorded Benefit: Application 09/346,852, filed July 2, 1999  
Patent 5,932,100, granted August 3, 1999, based  
on Application 08/663,916, filed June 14, 1996

Attorneys: See last page

Address: See last page

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**Part F. Count and claims of the parties**

Count 1

Claim 1 of Parce U.S. Patent 5,942,443.

The claims of the parties are:

Parce: 1-71

Weigl: 1-10, 12, 14-21 and 47-63

The claims of the parties which correspond to Count 1 are:

Parce: 1-71

Weigl: 1-10, 12, 14-21 and 47-63

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Parce: None

Weigl: None

**Part G. Heading to be used on papers**

The following heading shall be used on papers filed in the interference. See § 18 of the  
STANDING ORDER.

\_\_\_\_\_  
Filed on behalf of [name of party]  
By: Name of lead counsel, Esq.  
Name of backup counsel, Esq.  
Street address  
City, State, and Zip-Code  
Tel:  
Fax:

Paper \_\_\_\_\_<sup>1</sup>

**UNITED STATES PATENT AND TRADEMARK OFFICE**

\_\_\_\_\_  
**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**  
Administrative Patent Judge Richard E. Schafer)

\_\_\_\_\_  
**JOHN W. PARCE, ANNE R. KOPF-SILL  
and LUC J. BOUSSE**  
Junior Party,  
(Patent 5,942,443),

v.

**BERNHARD WEIGL, PAUL YAGER,  
JAMES BRODY and MARK HOLL**  
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(Application 09/644,192).

\_\_\_\_\_  
Patent Interference No. 104,815

\_\_\_\_\_  
TITLE OF PAPER

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<sup>1</sup> Leave a blank line because the board assigns the paper number.

**Part H. Summary of dates for taking action**

Times for taking action are set out in the following sections of the STANDING ORDER:

1. § 7: date for identifying lead and backup counsel.
2. § 8: date for identifying any real party in interest.
3. § 9: date for requesting copies of involved and benefit applications and patents.
4. § 17: date for filing list of proposed preliminary motions.
5. § 19: date for accomplishing certain discovery.
6. § 20: date for filing clean copy of claims.
7. § 21: date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
8. § 23: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
9. § 33: date for objecting to admissibility of evidence.
10. § 34: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
11. § 35: dates when cross-examination can take place.
12. § 45: dates for taking action with respect to settlement discussions

**Part I. Order form for requesting file copies**

**FILE COPY REQUEST**

Interference 104,815

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. \_\_\_\_\_
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

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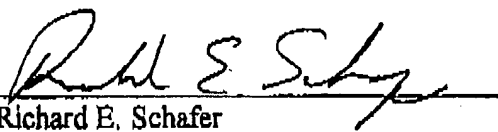
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Telephone, including area code: \_\_\_\_\_



**Part J. Signature of administrative patent judge**



Richard E. Schafer  
Administrative Patent Judge

Date: 2/28/02  
Arlington, VA

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference (ORDERPM6)

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference (ORDERTE6)

Copy U.S. Patent 5,942,443

Copy of claims of 09/644,192

DECLARE.007

Revised September 20, 2000  
(replaces DECLARE.006.1)

cc (via Federal Express):

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San Francisco, CA 94111-3834

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Seattle, WA 98101-2347